



# UNITED STATES PATENT AND TRADEMARK OFFICE

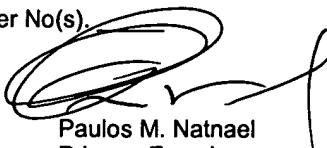
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

fw

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,376	10/16/2001	Masahiro Fukuda	1163-0363P	3054
2292	7590	07/17/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			NATNAEL, PAULOS M	
			ART UNIT	PAPER NUMBER
			2622	

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<p style="text-align: center;"><b>Advisory Action Before the Filing of an Appeal Brief</b></p>	Application No.	Applicant(s)
	09/977,376	FUKUDA, MASAHIRO
<p style="text-align: center;"><b>Examiner</b></p>	Examiner	Art Unit
	Paulos M. Natnael	2622
<p><b><i>--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i></b></p>		
<p>THE REPLY FILED <u>21 June 2006</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.</p>		
<p>1. <input checked="" type="checkbox"/> The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:</p>		
<p>a) <input checked="" type="checkbox"/> The period for reply expires <u>3 months</u> from the mailing date of the final rejection.</p>		
<p>b) <input type="checkbox"/> The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than <u>SIX MONTHS</u> from the mailing date of the final rejection.</p>		
<p>Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).</p>		
<p>Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</p>		
<p><b>NOTICE OF APPEAL</b></p>		
<p>2. <input type="checkbox"/> The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).</p>		
<p><b>AMENDMENTS</b></p>		
<p>3. <input type="checkbox"/> The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because</p>		
<p>(a) <input type="checkbox"/> They raise new issues that would require further consideration and/or search (see NOTE below);</p>		
<p>(b) <input type="checkbox"/> They raise the issue of new matter (see NOTE below);</p>		
<p>(c) <input type="checkbox"/> They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or</p>		
<p>(d) <input type="checkbox"/> They present additional claims without canceling a corresponding number of finally rejected claims.</p>		
<p>NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).</p>		
<p>4. <input type="checkbox"/> The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).</p>		
<p>5. <input type="checkbox"/> Applicant's reply has overcome the following rejection(s): _____. </p>		
<p>6. <input type="checkbox"/> Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).</p>		
<p>7. <input type="checkbox"/> For purposes of appeal, the proposed amendment(s): a) <input type="checkbox"/> will not be entered, or b) <input type="checkbox"/> will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.</p>		
<p>The status of the claim(s) is (or will be) as follows:</p>		
<p>Claim(s) allowed: _____.</p>		
<p>Claim(s) objected to: <u>4-8 and 14-18</u>.</p>		
<p>Claim(s) rejected: <u>1-3, 9-13 and 19-25</u>.</p>		
<p>Claim(s) withdrawn from consideration: _____.</p>		
<p><b>AFFIDAVIT OR OTHER EVIDENCE</b></p>		
<p>8. <input type="checkbox"/> The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).</p>		
<p>9. <input type="checkbox"/> The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).</p>		
<p>10. <input type="checkbox"/> The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.</p>		
<p><b>REQUEST FOR RECONSIDERATION/OTHER</b></p>		
<p>11. <input checked="" type="checkbox"/> The request for reconsideration has been considered but does NOT place the application in condition for allowance because:</p>		
<p><u>See Continuation Sheet</u>.</p>		
<p>12. <input type="checkbox"/> Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s).</p>		
<p>13. <input type="checkbox"/> Other: _____.</p>		
 <p style="text-align: right;">Paulos M. Natnael Primary Examiner Art Unit: 2622</p>		

Continuation of 11. does NOT place the application in condition for allowance because: the applicant's arguments are unpersuasive. Applicant argues that "...nowhere in Walker is there any disclosure or suggestion of receiving a video signal together with added information, wherein associated information stored in the device is independent from and interchangeable with the added information." (Response to arguments, page 3)

The examiner submits there is plenty of suggestion and disclosure in Walker. In the reference of Walker, as in any other video receiving and processing apparatus, video signal is received with audio signal (the claimed added information – given a reasonably broad interpretation). In addition, Walker discloses a user may retrieve such data by sending a request through a network from a service controller or by accessing a storage device such as CD-ROM. Such (associated) supplemental information can be synchronized with audio or video information signal and listened to or viewed together with the video. (See Abstract of disclosure and page 1, lines 1-10; page 10, lines 10-26, line 35 through line 4, page 11). Since the supplemental information can, according to Walker, be either audio or video (page 9, lines 26-31; page 10, lines 10-13) such as a clip of video or audio information that may not be broadcast with the main broadcast signal for reasons of space and/or time, it is both independent from as well as interchangeable with the added information which may, again, according to the teachings of Walker, be an audio data.

  
7/12/01